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John K. Fitzgerald, Reg. No. 58,881
11/23/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Inventor: Engleson et al.

Serial No. 10/622,983

Filed: 07/18/2003

For: SYSTEM AND METHOD FOR
COLLECTING DATA AND MANAGING
PATIENT CARE

Examiner: Ronald D. Hartman, Jr.

Group Art Unit: 2121

Client ID/Matter No. IVACP-65055

November 23, 2004

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION
UNDER 37 C.F.R. § 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, ALARIS Medical Systems, Inc., a Delaware corporation having a place of business at 10221 Wateridge Circle, San Diego, California 92121, is the assignee and owner of 100 percent interest in the instant application, Application No. 10/622,983, filed on July 18, 2003 for SYSTEM AND METHOD FOR COLLECTING DATA AND MANAGING PATIENT CARE, which is a continuation of Application No. 09/114,581, filed July 13, 1998 now U.S. Patent No. 6,671,563, issued on December 30, 2003, which was a continuation-in-part of 08/440,625, filed May 15, 1995, now U.S. Patent No. 5,781,442, issued on July 14, 1998, by virtue of a chain of Assignments (see table below).

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	REEL/FRAME	RECORDED	ASSIGNOR	ASSIGNEE	CONVEYANCE
1.	007953/0780	05/20/1996	Engleson	IVAC Medical	Assignment
2.	008621/0113	06/30/1997	IVAC Medical	IVAC Holdings	Merger
3.	008947/0929	12/22/1997	IVAC Medical	IVAC Holdings	Merger
4.	008947/0933	12/22/1997	IVAC Medical	IVAC Holdings	Merger
5.	008621/0107	06/30/1997	IVAC Holdings	ALARIS Medical	Name Change
6.	009433/0169	08/28/1998	Engleson	ALARIS Medical	Assignment
7.	009673/0917	12/29/1998	Engleson	ALARIS Medical	Assignment
8.	009711/0759	01/21/1999	Chamberlain	Ariel Computing	Assignment
9.	009711/0753	01/21/1999	Ariel Computing	IVISION, Inc.	Assignment
10.	009711/0699	01/27/1999	IVISION, Inc.	ALARIS Medical	Assignment

The assignment documents have been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Application No. 10/622,983, is in petitioner. Enclosed are copies of the Notices of Recordation of Assignment Documents showing the recordations as well as copies of the mentioned Assignments.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,671,563, issued December 30, 2003, which is also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

ALARIS Medical Systems, Inc.

By: S Kroon
Name: Stephanie Kroon
Title: Senior Counsel

Enclosures



APRIL 22, 1999

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RECORDATION DATE: 01/27/1999

REEL/FRAME: 9711/0699
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
IVISION, INC.

DOC DATE: 11/25/1998

ASSIGNEE:
ALARIS MEDICAL SYSTEMS, INC.
10221 WATERBRIDGE CIRCLE, BUILDING
A
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09114581 48032
PATENT NUMBER:

FILING DATE: 07/13/1998
ISSUE DATE:

SERIAL NUMBER: 08440625 37200
PATENT NUMBER: 5781442

FILING DATE: 05/15/1995
ISSUE DATE: 07/14/1998



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

DECEMBER 30, 1998

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RECORDATION DATE: 08/28/1998

REEL/FRAME: 9433/0169
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ENGLESON, JOSEPH J.

DOC DATE: 08/07/1998

ASSIGNEE:

ALARIS MEDICAL SYSTEMS, INC.
10221 WATERIDGE CIRCLE, BUILDING A
SAN DIEGO, CALIFORNIA 92121-2733

SERIAL NUMBER: 09114581

FILING DATE: 07/13/1998
ISSUE DATE:

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RECORDATION DATE: 01/21/1999

REEL/FRAME: 9711/0759
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CHAMBERLAIN, CRAIG

DOC DATE: 11/17/1998

ASSIGNEE:

ARIEL COMPUTING, INC.
2455 S. INDUSTRIAL HIGHWAY
ANN ARBOR, MICHIGAN 48107-7734

FILING DATE: 07/13/1998
ISSUE DATE:

SERIAL NUMBER: 09114581
PATENT NUMBER:

FILING DATE: 05/15/1995
ISSUE DATE: 07/14/1998

SERIAL NUMBER: 08440625
PATENT NUMBER: 5781442

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APRIL 22, 1999



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RECORDATION DATE: 01/21/1999

REEL/FRAME: 9711/0753
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ARIEL COMPUTING, INC.

DOC DATE: 11/12/1998

ASSIGNEE:

IVISION, INC.
114 WEST WASHINGTON STREET
ANN ARBOR, MICHIGAN 48104

SERIAL NUMBER: 09114581

FILING DATE: 07/13/1998
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08440625
PATENT NUMBER: 5781442

FILING DATE: 05/15/1995
ISSUE DATE: 07/14/1998

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DECEMBER 30, 1998

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REEL/FRAME: 9433/0169
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ENGLESON, JOSEPH J.

DOC DATE: 08/07/1998

ASSIGNEE:

ALARIS MEDICAL SYSTEMS, INC.
10221 WATERIDGE CIRCLE, BUILDING A
SAN DIEGO, CALIFORNIA 92121-2733

SERIAL NUMBER: 09114581

FILING DATE: 07/13/1998
ISSUE DATE:

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RECORDATION DATE: 06/30/1997

REEL/FRAME: 8621/0107
NUMBER OF PAGES: 6

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IVAC HOLDINGS, INC.

DOC DATE: 04/29/1997

ASSIGNEE:

ALARIS MEDICAL SYSTEMS, INC.
10221 WATERIDGE CIRCLE, BUILDING A
LEGAL DEPARTMENT
SAN DIEGO, CALIFORNIA 92121-2733

SERIAL NUMBER: 08538096

FILING DATE: 10/02/1995
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08005249

FILING DATE: 01/15/1993
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08305677

FILING DATE: 09/12/1994
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08440871

FILING DATE: 05/15/1995
ISSUE DATE:

PATENT NUMBER:



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RECORDATION DATE: 01/27/1999

REEL/FRAME: 9711/0699
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IVISION, INC.

DOC DATE: 11/25/1998

ASSIGNEE:

ALARIS MEDICAL SYSTEMS, INC.
10221 WATERBRIDGE CIRCLE, BUILDING
A
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09114581 48032
PATENT NUMBER:

FILING DATE: 07/13/1998
ISSUE DATE:

SERIAL NUMBER: 08440625 37200
PATENT NUMBER: 5781442

FILING DATE: 05/15/1995
ISSUE DATE: 07/14/1998

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APRIL 22, 1999



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RECORDATION DATE: 01/21/1999

REEL/FRAME: 9711/0753
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ARIEL COMPUTING, INC.

DOC DATE: 11/12/1998

ASSIGNEE:

IVISION, INC.
114 WEST WASHINGTON STREET
ANN ARBOR, MICHIGAN 48104

SERIAL NUMBER: 09114581

FILING DATE: 07/13/1998
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08440625
PATENT NUMBER: 5781442

FILING DATE: 05/15/1995
ISSUE DATE: 07/14/1998

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ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/21/1999

REEL/FRAME: 9711/0759
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

CHAMBERLAIN, CRAIG

DOC DATE: 11/17/1998

ASSIGNOR:

ARIEL COMPUTING, INC.
2455 S. INDUSTRIAL HIGHWAY
ANN ARBOR, MICHIGAN 48107-7734

SERIAL NUMBER: 09114581
PATENT NUMBER:

FILING DATE: 07/13/1998
ISSUE DATE:

SERIAL NUMBER: 08440625
PATENT NUMBER: 5781442

FILING DATE: 05/15/1995
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STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
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Washington, D.C. 20231

AUGUST 25, 1997

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RECORDATION DATE: 06/30/1997

REEL/FRAME: 8621/0113
NUMBER OF PAGES: 7

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IVAC MEDICAL SYSTEMS, INC.

DOC DATE: 11/26/1996

ASSIGNEE:

IVAC HOLDINGS, INC.
10221 WATERIDGE CIRCLE, BUILDING A
LEGAL DEPARTMENT
SAN DIEGO, CALIFORNIA 92121-2733

SERIAL NUMBER: 08538096

FILING DATE: 10/02/1995
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08005249

FILING DATE: 01/15/1993
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08305677

FILING DATE: 09/12/1994
ISSUE DATE:

PATENT NUMBER:

SERIAL NUMBER: 08440871

FILING DATE: 05/15/1995
ISSUE DATE:

PATENT NUMBER:



APRIL 01, 1998

FULWIDER PATTON LEE & UTECHT, LLP
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10TH FLOOR
LOS ANGELES, CA 90024

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RECORDATION DATE: 12/22/1997

REEL/FRAME: 8947/0933
NUMBER OF PAGES: 3

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IVAC MEDICAL SYSTEMS, INC.

DOC DATE: 11/26/1996

ASSIGNEE:

IVAC HOLDINGS, INC.
10221 WATERIDGE CIRCLE
BUILDING A
SAN DIEGO, CALIFORNIA 92121-2733

SERIAL NUMBER: 08440625

FILING DATE: 05/15/1995
PATENT NUMBER:

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RECORDATION DATE: 12/22/1997

REEL/FRAME: 8947/0929
NUMBER OF PAGES: 4

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IVAC MEDICAL SYSTEMS, INC.

DOC DATE: 11/26/1996

ASSIGNEE:

IVAC HOLDINGS, INC.
10221 WATERIDGE CIRCLE, BUILDING A
SAN DIEGO, CALIFORNIA 92121-2733

SERIAL NUMBER: 08440625

FILING DATE: 05/15/1995
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AUGUST 18, 1996

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RECORDATION DATE: 05/20/1996

REEL/FRAME: 7953/0780
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ENGLESON, JOSEPH J.

DOC DATE: 05/10/1996

ASSIGNEE:

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10221 WATERIDGE CIRCLE, BUILDING A
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SERIAL NUMBER: 08440625

FILING DATE: 05/15/1995
ISSUE DATE:

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